

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b))	
Table of Allotments)	MM Docket No. 98-198
FM Broadcast Stations)	RM - 9304
(Cross Plains, Muenster, Benbrook,)	
Brownwood, Campbell, Clifton,)	
Coleman, Detroit, Graham, Granbury,)	
Kerens, McKinney, San Saba, Terrell,)	
Waco, Texas, and Durant and Lone)	
Grove, Oklahoma))	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

SUPPLEMENT TO COUNTERPROPOSAL

1. First Broadcasting Management, LLC, Gain-Air, Inc. and KCYT-FM License Corp. ("FBM"), by their respective counsel, hereby submit a supplement to their Counterproposal filed on November 25, 1998 in the above-captioned proceeding. In view of the fact that the deadline for filing comments in this proceeding is December 21, 1998, it is appropriate for the Commission to consider this supplement as timely filed.

I. Hugo, Oklahoma

2. In its Counterproposal, FBM proposed various changes to the FM Table of Allotments including the substitution of Channel 294C for Channel 293A at Muenster, Texas, three new first local services and accompanying public interest benefits. FBM noted that in MM Docket 97-26, the Commission had denied the substitution of Channel 294C2 for Channel 238C2 for Station KITX(FM) at Hugo, Oklahoma. *See* Counterproposal at 7. FBM also stated that appeals of that decision are pending and should the Commission reverse its initial decision in MM Docket No. 97-

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26, in such a way that a channel substitution at Hugo necessary, another channel, 282C2, rather than Channel 294C2 was proposed for substitution at Hugo. *Id.* at 7-8. A channel study for Channel 282C2 was provided.

3. FBM takes no position on the merits of MM Docket No. 97-26 and is not requesting that the Commission substitute a channel at Hugo. Nevertheless, in the event the Commission does reverse its decision in MM Docket No. 97-26, and require the substitution of a channel for Station KITX at Hugo, FBM has identified another available channel for consideration¹. FBM hereby states it would be willing to reimburse the licensee of KITX for its costs incurred in implementing the channel change proposed here. FBM recognizes that Metro Broadcasters-Texas, Inc., licensee of KHYI at Howe, Texas and proponent of the Hugo substitution in this proceeding, has already committed to reimburse the licensee of KITX for the costs incurred in changing its channel. If Channel 282C2 is substituted at Hugo thereby making FBM the benefitting party, FBM would be willing to share in that reimbursement or reimburse KITX to the extent required by the Commission. In this regard, FBM has entered into a reimbursement agreement whereby FBM would reimburse KITX should Channel 282C2 be substituted at Hugo in this proceeding. KITX's statement of consent is enclosed.

4. FBM is aware that counterproposals must be technically and procedurally correct at the time of filing. However counterproposals can be supplemented or amended up to the deadline for filing a counterproposal. Therefore, the Commission should accept this reimbursement pledge as timely made. FBM reiterates that it does not need a channel substituted at Hugo. Nevertheless,

1. FBM is aware of the filing of a separate joint counterproposal in this proceeding which would provide a global resolution to MM Docket 97-26. As part of that proposal KITX would remain on Channel 238C2.

FBM is noting the availability of a separate alternative channel should it be necessary to substitute a channel at Hugo.

II. Cross Plains, Texas

5. In its counterproposal, FBM stated that it has not paid nor promised to pay any licensee or permittee for withdrawing an expression of interest, dismissing an application or forbearing to file an expression of interest or application (Counterproposal at para. 6). To the extent that statement needs clarification, FBM wants to specifically state that it did not pay the petitioner, ALALATEX, to agree to accept a different channel at Cross Plains or for any other purpose. ALALATEX has provided a statement which states that it has not been paid to change channels at Cross Plains. See Exhibit 1.

III. Mason, Texas

6. In the counterproposal, FBM referred to a pending proceeding in MM Docket 97-244 in which Channel 291A is proposed at Mason, Texas (Counterproposal at para. 27). FBM noted that several other Class A channels are available for consideration at Mason and selected Channel 259A as a possible substitute. However, FBM has become aware that Channel 259A now conflicts with a Mexican proposal. Therefore, FBM would propose that the Commission consider Channel 224A or 281A for consideration instead. Channel studies are attached.

Respectfully submitted,

FIRST BROADCASTING MANAGEMENT, LLC

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J. Thomas Nolan

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Its Counsel

GAIN-AIR, INC.

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Lawrence N. Cohn, Esq.

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Its Counsel

December 21, 1998

EXHIBIT 1

STATEMENT OF ALALATEX

I, Jean Hill, a partner in ALALATEX do hereby state that I am willing to change the proposed channel allotment for Cross Plains to Channel 290C3. However, neither I nor any other principal of ALALATEX has received or will receive any payment pursuant to an agreement or otherwise from any party in this proceeding in exchange for changing channels for the proposed allotment at Cross Plains, Texas. The channel was changed in order to obtain a new channel at Cross Plains rather than trying to compete for a conflicting channel which may be denied.

I certify that these statements are true, complete and correct to the best of my knowledge and belief and are made in good faith.

Jean Hill Partner
Jean Hill, Partner

**Station KITY
Hugo, Oklahoma**

K95.5, Inc. ("K95.5"), licensee of Station KITY, Hugo, Oklahoma, hereby agrees to have Station KITY's license modified to change channel from Channel 298C2 to Channel 282C2 rather than to Channel 294C2 in MM Docket No. 98-198. K95.5 will file an application to implement the channel change if approved by the Commission. K95.5 understands that the proposal of First Broadcasting Management, LLC ("FBM") does not, by itself, require KITY to change channels. K95.5's consent herein is given only to FBM and is contingent upon the granting of the changes to KXGM requested in the proposal of FBM in MM Docket No. 98-198. This consent shall not be construed as a consent to change channels for, or to benefit, any other proposal whether such proposals are filed in this MM Docket No. 98-198 proceeding or any other proceeding.

K95.5 understands that this statement may be used in a filing in MM Docket No. 98-198 with the Federal Communications Commission and hereby authorizes its use for that purpose. This statement consents to a channel modification only, and does not consent to any other modification whatsoever to KITY(FM).

I verify that this statement is true and accurate to the best of my knowledge, information and belief and is made in good faith.

K95.5, INC.

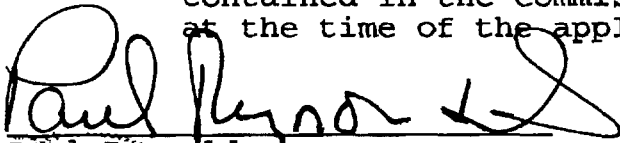
By: William H. Payne
William H. Payne
Its President

ENGINEERING CERTIFICATION

STATE OF ALABAMA)
)
BUTLER COUNTY)

Paul Reynolds declares the following:

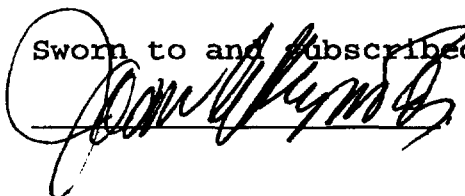
- * That he has completed undergraduate studies in the field of communications at the University of Southern Mississippi.
- * That he has completed course requirements for a Masters Degree in communications at the University of Alabama.
- * That he has completed basic electronics at DeVry Technical Institute.
- * That he has been operating as an independent communications consultant since 1980.
- * That he is familiar with the Commission's Rules and Regulations.
- * That the engineering for the instant Supplement to a Counterproposal filed by First Broadcasting Management, LLC., KCYT-FM License Corp & Gain-Air, Inc in MM Docket 98-198 was prepared by him or under his direct supervision.
- * That all information presented is believed to be true and correct and in full compliance of the technical standards contained in the Commission's Rules and Regulations in affect at the time of the applicant's filing date.


Paul Reynolds

REYNOLDS TECHNICAL ASSOCIATES
301 Cedar Street Suite 4
Greenville, AL 36037

(334) 382-3239

Sworn to and subscribed before me, this 21 day of Dec., 1998.

 My commission expires 7-15-2000

ENGINEERING STATEMENT

IN SUPPORT OF A

COUNTERPROPOSAL

MM Docket 98-198

ALLOCATION STUDY - CHANNEL 281A (AD 291A) MASON, TX [DEPICTING SPACING FOR SUBSTITUTION OF CH 281 FOR CH 291 AT MASON ONCE 245C1 IS SUBSTITUTED FOR CH 281C1 AT BROWNWOOD] (USING CH 291A ALLOTMENT COORDINATES AS REFERENCE)

30 44 55 N.				Class A				Search Date
99 13 49 W.				Current rules spacings				12-14-98
----- Channel 281 -104.1 MHz -----								
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin	
KXYLFM	281C1	Brownwood	TX	11.6	108.19	200.0	-91.81	*
Of Concern: Substitution of Ch 245C1 proposed @ KXYL licensed site.								
AL280	280C	Ciudad Acuna	CI	226.1	227.55	215.0	12.55	
KBAE	284C3	Llano	TX	96.2	63.54	42.0	21.54	
DE284	284C3	Llano	TX	96.2	63.54	42.0	21.54	
AD283	283A	Eden	TX	311.6	78.37	31.0	47.37	
KOOK	228A	Junction	TX	239.2	58.38	10.0	48.38	
KWTR.C	281C1	Big Lake	TX	293.4	248.98	200.0	48.98	
KEYIFM	278C	San Marcos	TX	121.0	151.36	95.0	56.36	
KBLT	282A	Leakey	TX	205.7	129.90	72.0	57.90	
KWOW	281C3	Clifton	TX	55.6	205.03	142.0	63.03	
Of Note: Proposed substitution of Ch 281C3 @ KWOW licensed site								
KOOK.A	228C2	Junction	TX	249.8	82.12	15.0	67.12	
ALOPEN	228C2	Junction	TX	249.8	82.12	15.0	67.12	

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30 44 55 N.	Class A	Search Date
99 13 49 W.	Current rules spacings	12-14-98

		Channel	281 -104.1		MHz		
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin

KWOW.C 281C3 Clifton	TX	59.0	212.18	142.0	70.18
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Of Note:

Proposed substitution of Ch 281C3

@ KWOW CP site

KQBT	282C2 Taylor	TX	101.0	182.29	106.0	76.29
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ENGINEERING STATEMENT

IN SUPPORT OF A COUNTERPROPOSAL

ALLOCATION STUDY - AD 224A (AD 291A) MASON, TX [DEPICTING SPACING FOR SUBSTITUTION OF CH 224A FOR CH 291A AT MASON] (USING AD CH 291A ALLOTMENT COORDINATES AS REFERENCE)

30 44 55 N.				Class A			Search Date
99 13 49 W.				Current rules spacings			12-15-98
----- Channel 224A - 92.7 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
AD224	224A	Mason	TX	0.0	0.00	115.0	-115.00 *
Of Note: Substitution for Ch 291A proposed in previous PRM							
KITE	222C2	Kerrville	TX	177.2	70.02	55.0	15.02
KDCD	225C1	San Angelo	TX	300.8	148.71	133.0	15.71
KBLK	223A	Burnet	TX	84.5	92.87	72.0	20.87
KBLK.C	223A	Burnet	TX	84.6	93.10	72.0	21.10
KAJZ	227C	Killeen	TX	91.2	118.83	95.0	23.83
AD227	227C	Cedar Park	TX	91.2	118.83	95.0	23.83
KAJZ	227C	Killeen	TX	91.2	118.83	95.0	23.83
DE227	227C	Killeen	TX	91.2	118.83	95.0	23.83

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy & Bacon, do hereby certify that I have on this 21st day of December, 1998 caused to be mailed by first class mail, postage prepaid, copies of the foregoing **"Supplement to Counterproposal"** to the following:

<p>* Kathleen Scheuerle Federal Communications Commission Allocations Branch 2000 M Street, NW Room 556 Washington, DC 20554</p> <p>KZDF License Co., L.L.C. Station KZDF(FM) 1436 Auburn Boulevard Sacramento, CA 95815</p> <p>Erwin G. Krasnow, Esq. Verner, Liipfert, Bernard, McPherson & Hand, Chartered 901 15th Street, NW Suite 700 Washington, DC 20005-2301 (Counsel to Graham Newspaper, Inc., Station KWKQ, Graham, Texas)</p> <p>Baylor University Station KWBU(FM) William D. Hills, M.D. Vice President of Student Affairs B.U. Box 7368 Waco, TX 76798</p> <p>John Joseph McVeigh, Esq. 12101 Blue Paper Trail Columbia, MD 21044-2787 (Counsel to M & M Broadcasters, Ltd. Station KWOW, Clifton, Texas)</p> <p>Gary S. Smithwick, Esq. Smithwick & Belendiuk, P.C. 1990 M Street, NW Suite 510 Washington, DC 20036 (Counsel to Tyler Broadcasting)</p>	<p>Chuckie Broadcasting, Co. Station KYNZ(FM) Mr. Kenneth Taishoff, President P.O. Box 1609 Ardmore, OK 73402</p> <p>Watts Communications, Inc. Stations KXYL-FM and KSTA-FM Mr. Phil Watts, President P.O. Box 100 Brownwood, TX 76804-0100</p> <p>Equicom, Inc. Station KBAL-FM 7103 Pine Bluffs Trail Austin, TX 78729</p> <p>KZDL License Co., L.L.C. Station KZDL(FM) 1436 Auburn Boulevard Sacramento, CA 95815</p> <p>Durant Broadcasting Corp. Station KBLC(FM) 1418 North First Durant, OK 74701</p> <p>Pat-Tower, Inc. Station KVRW(FM) Mr. Arthur Patrick, President 6210 N.W. Oak Lawton, OK 73505</p> <p>Todd Gray, Esq. Dow Lohnes & Albertson, P.L.L.C. 1200 New Hampshire Avenue, NW Suite 800 Washington, DC 20036 (Counsel to University of North Texas)</p>
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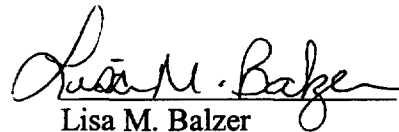
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Licensee of Station KITX, Hugo, OK
and proponent for Antlers, OK)


Lisa M. Balzer

* HAND DELIVERED